

Organics Sub-Committee Meeting Summary

December 10, 2012 10 AM to 12 PM
MassDEP, One Winter Street, Boston, MA

Review of Schedule

John Fischer of MassDEP reviewed the schedule for the commercial organics waste ban development, which calls for MassDEP to issue the draft regulation amendments for public comment in early 2013. Following this meeting, MassDEP will be working on developing this package for internal review and approval. MassDEP will follow up to schedule the next Organics Subcommittee meeting after completing this internal review process. MassDEP plans to issue the draft revised waste ban guidance document for solid waste facilities and draft guidance for businesses, institutions, and haulers, for comment along with the draft regulations. After a formal public comment period, MassDEP will prepare the final regulations and guidance for publication, along with a response to comments document. Our schedule calls for promulgating the regulations in summer 2013, with an effective date in summer 2014.

Meeting Agenda

This meeting focused on review and discussion of draft guidance for businesses, institutions, and haulers on the proposed waste ban on commercial organic material. The draft guidance discussed at the meeting is included at the end of this meeting summary for reference. John Fischer reviewed the draft guidance document. Questions and comments from attendees included:

Q: What is the licensing system for large food service operations? This type of license may help in identifying these operations.

A: MassDEP believes that these locations typically receive local Health Department approvals.

Q: How would the ban apply when a small food service operation within a larger facility or campus generates less than one ton of food waste per week, but the entire campus generates more than the one/ton week threshold?

A: If the campus is responsible for waste/recycling and contracts for disposal for the smaller food service operation in addition to other food service operations on campus, then food waste generation would be based on the campus as a whole. If that amount exceeded the threshold, then the facility would be subject to the ban, including smaller operations within the facility. (The exception is that this would not apply to residential food waste generation within a facility (e.g., food waste from dorms at a college.))

Q: How much permitted capacity do we currently have to handle the proposed amount and is there progress being made?

A: Massachusetts currently has permitted capacity of approximately 150,000 tons per year. That includes about 25 sites, but not pig farms and on-site systems that currently divert food waste from disposal. MassDEP recently promulgated regulatory amendments which will help support the development of additional capacity, including commercial anaerobic digestion and composting sites, as well as receiving food waste at smaller operations like agricultural composting and municipal leaf and yard waste compost sites. MassDEP also is providing funds through its Sustainable Materials Recovery Program to support the development of anaerobic

digestion facilities at two municipal sites, as well as assessing opportunities for developing up to three anaerobic digestion facilities on state properties.

Q: If businesses have an on-site system that reduces the weight and volume of food waste from more than one ton/week to less than one ton per week, would the ban apply to that facility?

A: MassDEP will consider this question further and develop a response. Even if the ban were not to apply, MassDEP would still encourage this material to be diverted from disposal, as it would likely have value as a compost feedstock and because it would be relatively simple and efficient to collect because of the reduced moisture content.

Q: How would the ban apply at a college or university that disposes of food waste from dormitories (which MassDEP proposes to not be subject to the ban)?

A: If MassDEP saw a failed load in this case, we would follow up with the generator to determine the status of their program and the source of the material. If the food waste was determined to be from dormitories not subject to the ban, then MassDEP would not pursue enforcement. However, if the food waste came from institutional food service operations, then that would be considered a violation.

Q: Who sends failed load letters to haulers and generators?

A: Under current guidance, the solid waste facility is responsible for sending letters to haulers that have delivered failed loads. These are typically grouped on a monthly basis. Haulers are then responsible for communicating to their customers. Under the proposed revised guidance, MassDEP has proposed that facilities would also send a notice to the generator when they can be identified (most likely for a single-source load, like a compactor).

Q: When will MassDEP have a PR and outreach campaign about the commercial organic materials waste ban?

A: MassDEP has already been working on building awareness about the ban through these Organics Subcommittee meetings, presentations at other meetings, and through the RecyclingWorks in Massachusetts program. This outreach will continue during this winter and spring. There will be a formal public comment period on the draft regulations. In addition, MassDEP expects to conduct further outreach when the regulations have been promulgated.

Q: What if a high school that exceeds the one ton/week threshold and an elementary school that is below the threshold are collected on the same route? How will the ban apply to them?

A: Assuming that the schools are at separate locations, the ban would apply to the high school, but not the elementary school. The fact that they are collected on the same route is not relevant. Many commercial routes will have some customers that are subject to the ban and others that are not. In this type of case, if the high school is diverting food waste, it is unlikely that the food waste from the smaller elementary school would trigger a waste ban failed load, given its small relative size. But, if it did, MassDEP would obtain the route information and determine the source of the food waste before determining whether to proceed with enforcement.

Q: How would the ban apply in a case where two adjacent assisted living facilities share one dumpster and generate more than one ton of food waste/week combined?

A: It depends on how the waste disposal is managed and contracted. In this case, where both facilities are collected as part of the same service/contract, the ban applicability would be based on their combined food waste generation. This is addressed further in question 4 below.

Q: What plans are in place to reduce the amount of paperwork that is generated in terms of failed load notices?

A: This is not likely to result in a large amount of paperwork. Typically solid waste facilities combine these notices for a hauler on a monthly basis and would likely continue the same approach under the revised guidance. Some additional failed load notices would not result in a large increase in paperwork.

Q: How would the ban apply in the case of an airport?

A: This would be similar to the case of a shopping mall, which is addressed in question 4 below.

Q: Does MassDEP have a specific schedule or plan for lowering the one ton/week threshold in the future?

A: No, not at this time. MassDEP is currently focused on implementing the ban and fostering the development of the needed infrastructure to support diversion of food waste from businesses and institutions that generate large amounts of food waste. As these programs become better established, we will begin to shift more of our focus to developing programs for smaller commercial generators and residents, which could include expanding the ban to include those smaller sources of food waste.

Q: There are likely to be greater material quality and contamination issues associated with food waste collected at one-time events like fairs.

A: MassDEP agrees this may be an issue and that may limit the outlets that can receive material from these sources. However, there are some good examples in place already, such as the Lowell Folk Festival, which remove contaminants from separated food waste (e.g., bottles and cans.)

Q: In the case of packaged food, how would this be addressed at the solid waste facility, in terms of whether or not it would be subject to the ban?

A: As currently proposed, MassDEP is suggesting that this material would require a waste ban waiver to be exempt and, would otherwise be subject to the ban.

**Commercial Organic Materials Waste Ban
Draft Guidance for Businesses, Institutions, and Haulers
Organics Subcommittee Meeting – December 10, 2012**

Questions on Business Size/Type

1. My business is part of a chain with multiple locations – how would the proposed one ton/week threshold apply to me?

A: This would be based on the amount generated per location, rather than for the entire chain. For example, if you are a location within a chain and your location alone generates one ton/week or more of food material, your location would be subject to the ban. If you are a location within a chain and your location alone generates less than one ton/week of food material, you would not be subject to the ban, even if the chain as a whole generates one ton/week or more.

However, if you are a medium to large size chain with individual locations falling under the threshold, it may be worthwhile to consider diverting organics to realize potential cost savings.

2. My facility is a campus with multiple buildings with common ownership (i.e., a college/university or corporate campus) – how would the proposed one ton/week threshold apply to my facility?

A: Assuming that the campus is under common ownership, this would be based on the amount of food material generated by non-residential sources, such as cafeterias and catering, for the entire campus combined. If the campus as a whole generates more than one ton/week of food material, the ban would apply, even if no one building within the campus generates more than one ton/week. If all buildings/facilities on the campus do not generate one ton/week of food waste in total, then the facility would not be subject to the ban.

3. My facility is a college or university (or other business) and we have multiple satellite campus locations - how would the proposed one ton/week threshold apply to my facility?

A: Similar to a chain business, this would be based on the amount generated per location, not for the multiple locations combined. If your campus location, including all buildings and activities within that campus, collectively generates one ton/week or more of food material, your location would be subject to the ban. If your campus collectively generates less than one ton/week of food material, you would not be subject to the ban even if the multiple campuses combined generate one ton/week or more.

4. I am a building owner/shopping mall with multiple generators/vendors within a central facility – how would the proposed one ton/week threshold apply to my facility?

A: If the property owner/manager is responsible for waste disposal/recycling and contracts for disposal for the entire property, where waste is combined, and one ton/week or more of food material is generated, the facility would be subject to the ban.

If each tenant/vendor manages its waste independently, the ban would be based on how much food waste is generated by each tenant individually. If the tenant generates more than one ton/week or more of food material, then that specific generator/vendor would be subject to the ban.

5. My business generates one ton of food material or more per week, but only seasonally – how would the proposed one ton/week threshold apply to my facility?

A: As proposed, the ban threshold is based on food waste generation on a weekly basis, so that a business that generates more than one ton of food waste per week, but only for part of the year, would be subject to the ban. If there are times during the year when your business generates minimal amounts of food waste, then the ban would not apply during those periods.

6. Is a one-time event such as a fair subject to the ban?

A: Yes, if at any time throughout the year, the weekly threshold is met at a facility, then the facility will be subject to the ban.

7. Are K-12 public and private schools subject to the ban?

A: Yes, if the school generates one ton/week or more of food waste, then the ban would apply. MassDEP will be developing estimates of food waste generation for schools based on the number of students.

8. Are caterers subject to the ban?

A: The responsibility depends on who is managing the waste. If the caterer is disposing of one ton/week or more of food waste on their own location, then the ban would apply to that location. If they are disposing of the food waste on a university campus, at a hotel or a business, then that food waste would be considered as part of the university, hotel, or business where the food waste is disposed and managed.

9. How will the ban apply to a load of food waste with significant amounts of contamination that gets rejected from a compost or anaerobic digestion facility?

A: If this material came from a generator subject to the ban, the ban would still apply. In that case, it is the generators responsibility to separate the food waste from the other materials.

10. How would the ban apply to residuals from a compost facility?

A: The ban would apply in a similar fashion as it does now for recycling facility residuals. MassDEP recognizes that these residuals may contain some amount of food waste. As part of its permit or certification, a compost facility should address how it will treat residual materials and follow those best management practices. In those cases, the waste ban would not apply.

Questions on Scope of Materials

11. How will packaged food waste be treated under the ban?

A: Whenever possible, food waste should be removed from packaging at the point of generation, or be sent to a facility that can de-package that product. This is done by many food waste generators now. In cases where this is difficult and technology/facilities are not available to de-package the product, then the waste bans could be waived for that material.

12. Is pet food included in the definition of commercial organic materials?

A: Yes.

13. Are meat and dairy wastes included in the definition of commercial organic materials?

A: Yes

14. Are biodegradable products (e.g., compostable plates and cups) and compostable paper (e.g., paper towels, napkins, etc.) included in the definition of commercial organic material?

A: No, these materials would not be included within the ban. However, depending on where a business/institution is sending its food waste, it may be possible and beneficial to include these materials as part of the food waste collection. A business should check with its hauler and/or compost facility on this question.

15. Is wash water from food processors subject to the ban?

A: Liquid food waste is subject to the ban, if sent for solid waste disposal. Prior to sending this material for disposal at a solid waste facility or into wastewater, a facility should determine whether there are other outlets, depending on the concentration and solids content of the wash water. The ban would not apply if there are minimal levels of food material in the wash water.